

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANDREW LAMON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-cv-01129-JPG-PMF
)	
HAROLD SCHULER, <i>et al.</i> ,)	
)	
Defendants.)	
)	
_____)	Consolidated with:
)	
ANDREW LAMON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-01051-JPG-PMF
)	
DOUG STEPHENS, <i>et al.</i> ,)	
)	
Defendants.)	
)	
_____)	Consolidated with:
)	
ANDREW LAMON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-cv-00945-JPG-PMF
)	
LEON KERR, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the court *sua sponte* to consolidate cases. Plaintiff recently filed an action, 15-cv-00945, that involves the same incidents that occurred January through May of 2012 at Big Muddy River Correctional Center. (Doc. 7, 15-cv-945).

Lamon v. Harold Schuler, 13-cv-1129-JPG-PMF and *Lamon v. Doug Stephens*, 14-cv-1051-JPG-PMF also involve the incidents at Big Muddy River Correctional Center between January through May of 2012 and have been previously consolidated by this Court.

Federal Rule of Civil Procedure 42(a) allows the Court discretion to consolidate cases that involve a common question of law or fact. It is an abuse of discretion, however, to consolidate cases that, even though they involve claims of the same nature, involve “different allegations and time frames.” *See, King v. General Elec. Co.*, 960 F.2d 617, 626 (7th Cir. 1992). Consolidation under Rule 42(a) does not merge two actions into one case. *Cella v. Togum Constructeur Ensembleier en Industrie Alimentaire*, 173 F.3d 909, 912 (3d Cir. 1999) (citing *Johnson v. Manhattan R. Co.*, 289 U.S. 479, 496-97 (1933)). On the contrary, each consolidated case retains its separate identity and must have its own independent jurisdictional basis. *Cella*, 173 F.3d at 913.

Here it appears that all the cases contain the same allegations based upon the same timeframe against various defendants. As such, consolidation under Rule 42(a) would serve the interest of justice and judicial economy. Accordingly, for the purposes of discovery and trial, the Court hereby **CONSOLIDATES** *Lamon v. Schuler*. (Case Number 13-cv-1129-JPG-PMF) with *Lamon v. Stephens*, (Case Number 14-cv-001051-JPG-PMF) and *Lamon v. Kerr*, (Case Number 15-cv-00945-JPG-PMF). All future filing shall bear the consolidated caption used in this order and shall be filed only in *Lamon v. Schuler*. (Case Number 13-cv-1129-JPG-PMF). The Court will strike any filings in Case Number 14-cv-001051-JPG-PMF and 15-cv-00945-JPG-PMF subsequent to this order.

The Clerk of Court is **DIRECTED** to **CONSOLIDATE** these cases and to file a copy of this Order all three cases.

IT IS SO ORDERED.

DATED: 10/16/2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE